



General Assembly

February Session, 2006

Raised Bill No. 534

LCO No. 2388

02388_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

***AN ACT CONCERNING SUBDIVISION OF LAND IN COMMON
INTEREST COMMUNITIES.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (a) of section 8-25 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (a) No subdivision of land shall be made until a plan for such
5 subdivision has been approved by the commission. Any person, firm
6 or corporation making any subdivision of land without the approval of
7 the commission shall be fined not more than five hundred dollars for
8 each lot sold or offered for sale or so subdivided. Any plan for
9 subdivision shall, upon approval, or when taken as approved by
10 reason of the failure of the commission to act, be filed or recorded by
11 the applicant in the office of the town clerk within ninety days of the
12 expiration of the appeal period under section 8-8, or in the case of an
13 appeal, within ninety days of the termination of such appeal by
14 dismissal, withdrawal or judgment in favor of the applicant but, if it is
15 a plan for subdivision wholly or partially within a district, it shall be
16 filed in the offices of both the district clerk and the town clerk, and any

17 plan not so filed or recorded within the prescribed time shall become
18 null and void, except that the commission may extend the time for
19 such filing for two additional periods of ninety days and the plan shall
20 remain valid until the expiration of such extended time. All such plans
21 shall be delivered to the applicant for filing or recording not more than
22 thirty days after the time for taking an appeal from the action of the
23 commission has elapsed or not more than thirty days after the date
24 that plans modified in accordance with the commission's approval and
25 that comply with section 7-31 are delivered to the commission,
26 whichever is later, and in the event of an appeal, not more than thirty
27 days after the termination of such appeal by dismissal, withdrawal or
28 judgment in favor of the applicant or not more than thirty days after
29 the date that plans modified in accordance with the commission's
30 approval and that comply with section 7-31 are delivered to the
31 commission, whichever is later. No such plan shall be recorded or filed
32 by the town clerk or district clerk or other officer authorized to record
33 or file plans until its approval has been endorsed thereon by the
34 chairman or secretary of the commission, and the filing or recording of
35 a subdivision plan without such approval shall be void. Before
36 exercising the powers granted in this section, the commission shall
37 adopt regulations covering the subdivision of land. No such
38 regulations shall become effective until after a public hearing held in
39 accordance with the provisions of section 8-7d. Such regulations shall
40 provide that the land to be subdivided shall be of such character that it
41 can be used for building purposes without danger to health or the
42 public safety, that proper provision shall be made for water, sewerage
43 and drainage, including the upgrading of any downstream ditch,
44 culvert or other drainage structure which, through the introduction of
45 additional drainage due to such subdivision, becomes undersized and
46 creates the potential for flooding on a state highway, and, in areas
47 contiguous to brooks, rivers or other bodies of water subject to
48 flooding, including tidal flooding, that proper provision shall be made
49 for protective flood control measures and that the proposed streets are
50 in harmony with existing or proposed principal thoroughfares shown

51 in the plan of conservation and development as described in section 8-
52 23, as amended, especially in regard to safe intersections with such
53 thoroughfares, and so arranged and of such width, as to provide an
54 adequate and convenient system for present and prospective traffic
55 needs. Such regulations shall also provide that the commission may
56 require the provision of open spaces, parks and playgrounds when,
57 and in places, deemed proper by the planning commission, which
58 open spaces, parks and playgrounds shall be shown on the subdivision
59 plan. Such regulations may, with the approval of the commission,
60 authorize the applicant to pay a fee to the municipality or pay a fee to
61 the municipality and transfer land to the municipality in lieu of any
62 requirement to provide open spaces. Such payment or combination of
63 payment and the fair market value of land transferred shall be equal to
64 not more than ten per cent of the fair market value of the land to be
65 subdivided prior to the approval of the subdivision. The fair market
66 value shall be determined by an appraiser jointly selected by the
67 commission and the applicant. A fraction of such payment the
68 numerator of which is one and the denominator of which is the
69 number of approved parcels in the subdivision shall be made at the
70 time of the sale of each approved parcel of land in the subdivision and
71 placed in a fund in accordance with the provisions of section 8-25b.
72 The open space requirements of this section shall not apply if the
73 transfer of all land in a subdivision of less than five parcels is to a
74 parent, child, brother, sister, grandparent, grandchild, aunt, uncle or
75 first cousin for no consideration, or if the subdivision is to contain
76 affordable housing, as defined in section 8-39a, equal to twenty per
77 cent or more of the total housing to be constructed in such subdivision.
78 Such regulations, on and after July 1, 1985, shall provide that proper
79 provision be made for soil erosion and sediment control pursuant to
80 section 22a-329. Such regulations shall not impose conditions and
81 requirements on manufactured homes having as their narrowest
82 dimension twenty-two feet or more and built in accordance with
83 federal manufactured home construction and safety standards or on
84 lots containing such manufactured homes which are substantially

85 different from conditions and requirements imposed on single-family
86 dwellings and lots containing single-family dwellings. Such
87 regulations shall not impose conditions and requirements on
88 developments to be occupied by manufactured homes having as their
89 narrowest dimension twenty-two feet or more and built in accordance
90 with federal manufactured home construction and safety standards
91 which are substantially different from conditions and requirements
92 imposed on multifamily dwellings, lots containing multifamily
93 dwellings, cluster developments or planned unit developments. The
94 commission may also prescribe the extent to which and the manner in
95 which streets shall be graded and improved and public utilities and
96 services provided and, in lieu of the completion of such work and
97 installations previous to the final approval of a plan, the commission
98 may accept a bond in an amount and with surety and conditions
99 satisfactory to it securing to the municipality the actual construction,
100 maintenance and installation of such improvements and utilities
101 within a period specified in the bond. Such regulations may provide,
102 in lieu of the completion of the work and installations above referred
103 to, previous to the final approval of a plan, for an assessment or other
104 method whereby the municipality is put in an assured position to do
105 such work and make such installations at the expense of the owners of
106 the property within the subdivision. The regulations may provide that
107 any proposal for land that is located within the boundaries of a
108 common interest community, as defined in subdivision (7) of section
109 47-202, and that requires a site plan approval be deemed to be a
110 subdivision. Such regulations may provide that in lieu of either the
111 completion of the work or the furnishing of a bond as provided in this
112 section, the commission may authorize the filing of a plan with a
113 conditional approval endorsed thereon. Such approval shall be
114 conditioned on (1) the actual construction, maintenance and
115 installation of any improvements or utilities prescribed by the
116 commission, or (2) the provision of a bond as provided in this section.
117 Upon the occurrence of either of such events, the commission shall
118 cause a final approval to be endorsed thereon in the manner provided

119 by this section. Any such conditional approval shall lapse five years
120 from the date it is granted, provided the applicant may apply for and
121 the commission may, in its discretion, grant a renewal of such
122 conditional approval for an additional period of five years at the end
123 of any five-year period, except that the commission may, by
124 regulation, provide for a shorter period of conditional approval or
125 renewal of such approval. Any person, firm or corporation who, prior
126 to such final approval, sells or offers for sale any lot subdivided
127 pursuant to a conditional approval shall be fined not more than five
128 hundred dollars for each lot sold or offered for sale.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2006	8-25(a)
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Statement of Purpose:

To provide municipal planning commissions with oversight over changes in common interest communities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]